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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/070,625 | 03/04/2002 | George Roger Williams | 23-00061-06 | 9178 |

20491 7590 04/05/2004

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EXAMINER

DAHBOUR, FADI H

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3743

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,625

Applicant(s)

WILLIAMS, GEORGE ROGER

Examiner

Fadi H. Dahbour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 17 and 20-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/4/02.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the appearance of the word "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindemann (US4677971) in view of Hwang or Wenrich.

Lindemann discloses an orthopedic appliance adapted to be worn on a forearm and a hand of a person exhibiting symptoms of carpal tunnel syndrome (Figs.1-9), comprising a palmar component sized for attachment to the carpal-metacarpal complex of the hand (see left-half of Fig.9), a biasing component alignable with the ulnar side of the forearm (42, 53 of Fig.9), the biasing component formed of a continuous wire with a supporting end and a torquing end, the torquing end coupled to the palmar component and having a coil formed along its length (Fig.9), and a forearm component sized and configured to be rigidly and removably attached to the forearm (see right-half of Fig.9), the forearm component providing a stable platform for the supporting end and maintaining alignment of the torquing end with the ulnar side of the carpal-metacarpal complex during movement of the forearm and hand (Fig.9), the coil disposed thereby to

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apply a dorsally-directed force to the hand (53 of Fig.9), wherein the forearm component is comprised of a splint shell substantially conforming to the dorsum and sides of the forearm, and having a distal end, a proximal end, an ulnar edge between the distal end and the proximal end, a radial edge between the distal end and the proximal end, and a dorsal portion extending from the distal end to the proximal end and between the radial edge and the ulnar edge (33 of Fig.9), and a shell securing means for removably securing the splint shell to the forearm (34, 35 of Fig.9), wherein the splint shell is composed of a semi-rigid material (see "a thermo-plastic material which is deformable" in lines 28-29 of col.2).

Lindemann lacks the coil being a plurality of adjoining coils. Hwang or Wenrich discloses a plurality of adjoining coils (see Figs.1-6 of Hwang, or see Figs. 2-5 of Wenrich). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a plurality of adjoining coils, as taught by Hwang or Wenrich, in the device of Lindemann, because Lindemann teaches that the coil permits "relative movement between the handpiece 27 and the forearmpiece 23" (see lines 62-64 of col.4 of Lindemann), and additional coil(s) would obviously adjust the permitted relative movement for the particular needs of the patient.

Allowable Subject Matter

4. Claim 17, 20-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1-15, 27-28 are allowed.

Conclusion

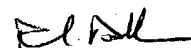
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turto et al, Lindemann ('266), Lindemann ('703) and Lindemann et al ('320) are cited to show orthopedic appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 703-306-5479. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fadi H. Dahbour
Examiner
Art Unit 3743